House Bill 1338

By: Representatives Jacobs of the 80th, Chambers of the 81st, Watson of the 91st, Millar of the 79th, Oliver of the 83rd, and others

A BILL TO BE ENTITLED
AN ACT

1   To amend an Act establishing the form of government of DeKalb County and fixing the

2   powers and duties of the officers constituting the governing authority of DeKalb County,

3   approved April 9, 1981 (Ga.L.1981, p. 4304), as amended, so as to authorize the county

4   commission to enter into leases and contracts with nonprofit corporations for the use,

5   operation, and maintenance by such nonprofit corporations of parks, playgrounds, golf

6   courses, swimming pools, or other property that has been dedicated to a public use for

7   recreational or park purposes under certain conditions; to provide for related matters; to

8   provide for a referendum; to provide for effective dates; to repeal conflicting laws; and for

9   other purposes.

10   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11   **SECTION 1.**

12   An Act establishing the form of government of DeKalb County and fixing the powers and

13   duties of the officers constituting the governing authority of DeKalb County, approved

14   April 9, 1981 (Ga.L.1981, p. 4304), as amended, is amended by adding a new paragraph (20)

15   to subsection (a) of Section 9 of the Act to read as follows:

16   "(20) To enter into valid and binding leases and contracts with nonprofit corporations for

17   any period of time not to exceed 50 years to provide for the use, operation, or

18   maintenance by such nonprofit corporations of any property or interest therein

19   comprising parks, playgrounds, golf courses, swimming pools, or other property that has

20   been dedicated to a public use for recreational or park purposes or has been dedicated to

21   a public use for recreational or park purposes by a private citizen, corporation, or

22   association and thereafter acquired by the county, without regard to whether such public

23   use has been previously abandoned or that such property has become unsuitable or

24   inadequate for the purpose for which it was originally dedicated."

1   **SECTION 2.**

2   Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election

3   superintendent of DeKalb County shall call and conduct an election as provided in this

4   section for the purpose of submitting this Act to the electors of DeKalb County for approval

5   or rejection. The election superintendent shall conduct the election on the same date as and

6   in conjunction with the 2006 General Election and shall issue the call for such election not

7   less than 60 nor more than 90 days prior to such date. The superintendent shall cause the

8   date and purpose of the election to be published once a week for two weeks immediately

9   preceding the date thereof in the legal organ of DeKalb County. The ballot shall have written

10   or printed thereon the words:

11   "( ) YES   Shall the Act be approved that authorizes the DeKalb County Commission

12   to enter into leases and contracts with nonprofit corporations for the use,

13   ( ) NO   operation, and maintenance by such nonprofit corporations of parks,

14   playgrounds, golf courses, swimming pools, or other property that has been

15   dedicated to a public use for recreational or park purposes under certain

16   conditions?"

17   All persons desiring to vote for approval of the Act shall vote "Yes," and those persons

18   desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes

19   cast on such question are for approval of the Act, Section 1 of this Act shall become of full

20   force and effect on December 1, 2006. If the Act is not so approved or if the election is not

21   conducted as provided in this section, Section 1 of this Act shall not become effective and

22   this Act shall be automatically repealed on the first day of January immediately following

23   that election date. The expense of such election shall be borne by DeKalb County. It shall

24   be the election superintendent´s duty to certify the result thereof to the Secretary of State.

25   **SECTION 3.**

26   Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon

27   its approval by the Governor or upon its becoming law without such approval.

28   **SECTION 4.**

29   All laws and parts of laws in conflict with this Act are repealed.